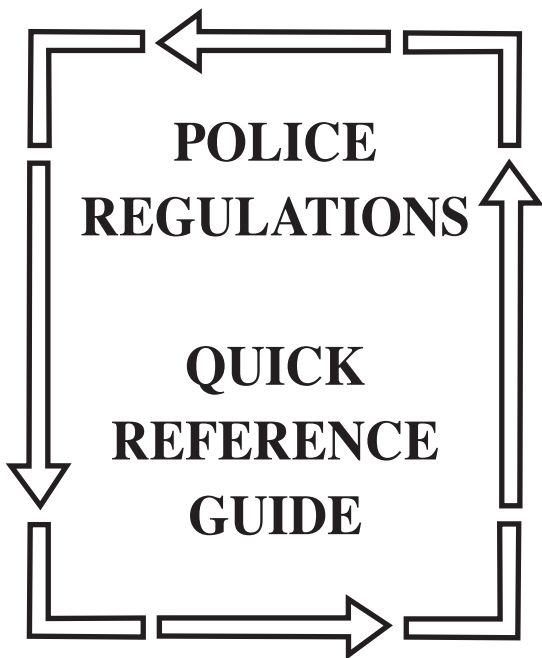




THE POLICE FEDERATION
OF ENGLAND AND WALES



QUICK REFERENCE GUIDE

This Guide provides a basic summary of your main terms and conditions. It is not intended to be exhaustive, nor can it be considered a substitute for the various regulations and determinations which govern your terms and conditions of appointment.

This Guide has been updated in line with our current understanding of Police Regulations 2003 and determinations, Police (Conduct) Regulations 2012, Police (Complaints and Misconduct) Regulations 2012 and Police (Performance) Regulations 2012 as at September 2014 and is subject to change.

Please check the Police Federation of England & Wales extranet site to ensure that this is the most recent copy of the Quick Reference Guide¹.

In case of particular concerns please contact your Joint Branch Board.

¹ The next anticipated print run will be September 2016: the extranet version will be updated between print runs

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YOUR FEDERATION

Up until May 2014 the situation was as follows:

Your Joint Branch Board

Your Joint Branch Board (JBB) is comprised of three separate Branch Boards – which cover separately Constables (CBB), Sergeants (SBB) and Inspectors and Chief Inspectors (IBB).

Your representative is elected by ballot from constituencies agreed with the chief officer and elections take place triennially. The next elections are due to be held at the end of 2016.

Your National Federation

At the Police Federation Conference every three years members are elected to the three national rank committees: the Constables' Central Committee, the Sergeants' Central Committee and the Inspectors' Central Committee. The next triennial elections will take place in May 2017.

The Joint Central Committee (JCC) comprises the Constables' Central Committee, the Sergeants' Central Committee and the Inspectors' Central Committee sitting together.

All police cadets, constables, sergeants, inspectors and chief inspectors are automatically members of the Police Federation of England and Wales under the Police Act 1996.

Only those members of the Police Federation who contribute to the voluntary fund can access the wide range of services offered to contributing members. The importance and value of these services to members is reflected by the fact that 98% of officers contribute.

Following the May 2014 PFEW Conference, and the decision to implement the Independent Review of the organisation, the rank committee structure for the JCC has been voluntarily put in abeyance. The JCC has become the Interim National Board (INB) and the JBB Chairs and Secretaries form an Interim National Council (INC).

YOUR FEDERATION

At the time of writing further changes are pending. These changes will reflect both the Independent Review and the Home Secretary's decision to give officers the choice of whether to opt in rather than whether to opt out of the Police Federation of England and Wales.

SECTION A – COMPLAINTS AND MISCONDUCT

The information in this section is based on the Police (Conduct) Regulations 2012, Police (Complaints and Misconduct) Regulations 2012 and Section 2 of the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 12/2014 refers).

There are two ways in which matters that have been assessed as potential misconduct may be handled:

- Management action by a line manager
- Disciplinary action for misconduct where it is felt that management action is not appropriate

Where a member is suspected of having committed a criminal or misconduct offence, this may result in a formal investigation. In such a case, the member may be subject to both a criminal investigation and an internal misconduct investigation. Where there is a criminal investigation a member has the same rights as any individual who is investigated for an alleged criminal offence under the provisions of the Police and Criminal Evidence Act 1984.

The misconduct will be subject to a severity assessment as to the whether the conduct amounts to either misconduct or gross misconduct.

Misconduct is defined in Regulation 3(1) of the Police (Conduct) Regulations 2012 as “a breach of the Standards of Professional Behaviour”.

Gross Misconduct is defined in Regulation 3(1) of the Police (Conduct) Regulations 2012 as “a breach of the Standards of Professional Behaviour so serious that dismissal would be justified”.

Written notice must be given to the member as detailed under Regulation 15 of the Police (Conduct) Regulations 2012 or Regulation 16 of the Police (Complaint and Misconduct) Regulations 2012. This notice should be served as soon as is practicable, unless to do so would prejudice the investigation or any other investigation (including a criminal one).

SECTION A – COMPLAINTS AND MISCONDUCT

The member should be informed that whilst s/he does not have to say anything it may harm his/her case if s/he does not mention, when interviewed or when providing any information, something which s/he relies on in any subsequent proceedings.

Further, s/he should be informed that a written or oral statement may be made to the investigator within 10 working days of receipt of the notice. In addition the member is encouraged to suggest at an early stage any line of enquiry that would assist the investigation and to pass on any material they consider relevant to the enquiry.

The member has the right to seek advice from the Police Federation at all stages of an investigation, and has the right to be accompanied by a “police friend” to any meeting, interview or hearing.

For further information on the services of a “police friend”, contact your JBB. It is important for a member to seek advice at the earliest possible stage and certainly prior to making any formal statement.

If the case is referred to a misconduct hearing or special case hearing (a fast track hearing), the member has the right to be represented by a lawyer.

A temporary move to a new location or role must always be considered first as an alternative to suspension. If the member is suspended it should be at the rate of pay, including relevant allowances, to which s/he would be entitled if not suspended. Pay may only be withheld in very limited circumstances (see paragraph 1 of Schedule 2 of Police Regulations 2003). The use of suspension must be reviewed at least every four weeks and should be used as a last resort.

Interviews during Investigation

A formal interview will not always be necessary. In low level misconduct cases, it may be more appropriate to request a written account from the member. If an interview takes place it may be

SECTION A – COMPLAINTS AND MISCONDUCT

electronically recorded; a copy of the recording can be requested. If not electronically recorded, then a written record or summary of the discussion must be given to the person being interviewed.

Where the matter to be investigated involves both criminal and misconduct allegations, it should be made clear to the member concerned at the start of the interview whether it is in respect of the criminal or misconduct allegations. Anything said by the member concerned in a misconduct interview when not under caution could be subject to an inadmissibility ruling by the court at any subsequent trial. If necessary, appropriate legal advice may be requested.

Local Resolution

Low level complaints can be handled through a process of 'Local Resolution' which seeks to provide the complainant with a speedy and satisfactory response.

Local Resolution is considered appropriate only if the actions of the member involved should not result in criminal or disciplinary proceedings. Local Resolution is normally dealt with by the member's supervisor. Any explanation given by the member is purely voluntary. Nobody can apologise on the member's behalf unless s/he specifically authorise them to do so. If the member accepts all or some of the events detailed in the complaint and/or has an explanation for their actions and want this to be passed on to the complainant, this can be done.

Local Resolution **will not** be considered as formal disciplinary action although it does not prevent a manager from making a note of the action taken and recording this on the member's Performance and Development Review. The manager may take management action or formal action under the unsatisfactory performance procedures during, or as a result of, the complaints procedure.

SECTION B – STANDARDS OF PROFESSIONAL BEHAVIOUR AND THE CODE OF ETHICS

The Standards of Professional Behaviour are found in Schedule 2 of the Police (Conduct) Regulations 2012 and are also listed below. A more detailed explanation of the Standards is contained within the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 12/2014 refers).

Honesty and Integrity

Police officers are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Force

Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Orders and Instructions

Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders.

Duties and Responsibilities

Police officers are diligent in the exercise of their duties and responsibilities.

SECTION B – STANDARDS OF PROFESSIONAL BEHAVIOUR AND THE CODE OF ETHICS

Confidentiality

Police officers treat information with respect and access or disclose it only in the proper course of police duties.

Fitness for Duty

Police officers when on duty or presenting themselves for duty are fit to carry out their responsibilities.

Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

Challenging and Reporting Improper Conduct

Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

In addition to the Standards of Professional Behaviour is the College of Policing's Code of Ethics. This document sets out in detail the principles and expected behaviours that underpin the Standards of Professional Behaviour. The document is a Code of Practice meaning that chief officers must have due regard to it. As such, the Code may inform decisions on whether formal action will be taken under the Police Conduct Regulations 2012.

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

The information in this section is based on the Police (Performance) Regulations 2012 and Section 3 of the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 12/2014 refers).

Concerns about performance and attendance in the police service should generally be dealt with informally by early intervention and management action. The formal UPPs should only be used if management action has failed or is considered inappropriate.

Unsatisfactory Performance (and Attendance) is defined in Regulation 4(2)(a) of the Police (Performance) Regulations 2012 as “an inability or failure of a police officer to perform the duties of the role or rank he is currently undertaking to a satisfactory standard or level.”

Gross Incompetence is defined in Regulation 4(1) of the Police (Performance) Regulations 2012 as “a serious inability or serious failure of a police officer to perform the duties of his rank or the role he is currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified, except that no account shall be taken of attendance of a police officer when considering whether he has been grossly incompetent.”

Management Action

It is the responsibility of an officer’s line manager to raise any shortcomings or concerns with the individual at the earliest opportunity. This should not be delayed until a Performance and Development Review meeting. The reason for dissatisfaction must be clearly communicated to the officer in question and any mitigating reasons for the underperformance should be identified and addressed. In particular, consideration should be given as to whether there are any health or welfare issues affecting performance. If an officer has a disability within the scope of the

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

disability provisions of the Equality Act 2010, then the requirements of that legislation need to be complied with.

The line manager must record the nature of the performance issue, the advice given and steps taken to address the problem. Any improvement in performance must also be formally recorded.

Where there is no sustained improvement following management action it may be appropriate to use the formal UPPs.

UPPs

The formal procedures are designed to deal with a pattern of unsatisfactory performance, not a single event, unless gross incompetence is involved.

The UPPs do not apply to student officers who are governed by locally determined procedures underpinned by Regulation 13, Police Regulations 2003.

There are three stages in total (see below). A meeting is held at each stage (with an appeal process if required at each stage). The relevant manager must notify the officer a meeting is required. At this time they must provide the officer with details of the procedure, an explanation in writing of the reason for the meeting and details of who will be in attendance. The officer must also be informed of the right to seek advice from a Police Federation representative, and of the right to be accompanied by a “police friend” at any meeting. (For further information on the services of a police friend, contact your JBB). The notification must be accompanied by any papers supporting the view that the officer’s performance or attendance is unsatisfactory. Any papers to be relied on by the officer at the meeting must be submitted to the relevant manager before the meeting.

The period allowed for improvement where applicable at each stage will normally be three months and should not exceed twelve months.

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

Satisfactory performance must be maintained for a twelve month period to avoid the next stage of the process.

The first stage

The officer must be notified in writing by his/her line manager that s/he is required to attend the first stage meeting. The meeting will be conducted by the officer's line manager and if the officer's performance or attendance is deemed to be unsatisfactory an improvement notice will be issued specifying what is required from the officer. If the officer chooses to appeal, the second line manager will review the decision at the appeal meeting.

If an improvement notice is given, there should be an action plan which should help the member achieve and maintain the required improvement. This should be agreed by the member and line manager, identify the relevant weaknesses, describe the steps the member must take and specify a follow-up date and a staged review date or dates.

The second stage

The officer must be notified in writing by his or her second-line manager that s/he is required to attend a second stage meeting. The meeting will be conducted by the second line manager and if the officer's performance or attendance is deemed to be unsatisfactory a final written improvement notice will be issued specifying what is required from the officer. If the officer chooses to appeal, a senior manager will review the decision at the appeal meeting.

In any case in which an improvement notice is given, there should be an action plan which should help the member achieve and maintain the required improvement. This should be agreed by the member and line manager, identify the relevant weaknesses, describe the steps the member must take and specify a follow up date and a staged review date or dates.

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

The third stage

The officer must be notified in writing by a senior manager that s/he is required to attend a third stage meeting. The meeting will be conducted by a three-person panel and the Chair of the meeting will either be a senior officer or senior HR professional. At least one panel member must be a police officer and one must be an HR professional. None of the panel members should be junior in rank to the police officer concerned.

If the panel deems the officer's performance or attendance to be unsatisfactory they have the following options:

- Redeployment
- Reduction in rank (performance only)
- Dismissal with a minimum of 28 days' notice
- Extension of a final improvement notice (This will occur only in exceptional circumstances and the period cannot be extended more than once)

The officer has no right to legal representation at the third stage meeting if the process has been followed through stages one and two.

An officer has a right to appeal against the findings of a third stage meeting or the outcome imposed. The appeal will be heard by the Police Appeals Tribunal.

At any stage if the officer or his/her police friend is unavailable on the meeting date proposed by the relevant manager, the officer may propose an alternative date and time which must be accepted provided it is reasonable and within five working days of the original date.

In the case of an accusation of gross incompetence stages 1 and 2 of the UPPs will be omitted and an officer will go straight to a Stage 3 meeting. This is only for instances relating to performance matters

<p>SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)</p>

and is not applicable for attendance issues, which must follow the full three stage process.

An officer accused of gross incompetence may be accompanied by a legal representative in addition to a police friend. If the panel deems the officer's performance to be grossly incompetent, then they have the following options:

- Issue a final written improvement notice
- Redeployment
- Reduction in rank
- Dismissal without notice

SECTION D – RESTRICTIONS ON THE PRIVATE LIFE OF A POLICE OFFICER

General

Members must abstain from any activity which is likely to interfere with the impartial discharge of duty or is likely to give rise to the impression that the activity may do so. Police officers are also required not to take any active part in politics.

Membership of Certain Organisations

While the constraint on political activity does not prevent officers from being members of political parties in general, officers are banned from membership of the British National Party, Combat 18, and the National Front.

Other Restrictions

Members must not reside at premises which are not approved by the chief officer. If a member is in provided accommodation, the chief officer's permission is required to have a lodger or to sub-let. If a member is in receipt of a rent or housing allowance, the chief officer must be given notice before the member has a lodger or sub-lets.

Members must not wilfully refuse or neglect to discharge any lawful debt.

Business Interests Incompatible with Membership of a Police Force

If a member has, or proposes to have, a business interest, s/he must give written notice to the chief officer who will determine whether or not the interest is compatible with the member concerned remaining a member of the force. The same applies if a relative included in the member's family has, or proposes to have, a business interest if the member believes it could be seen as interfering with the impartial discharge of his/her duties (Regulations 7, 8 and 9 of Police Regulations 2003 apply).

SECTION E – DUTY TIME

The duty time provisions are found in Regulation 22 and Annex E of Police Regulations 2003.

Different provisions apply for members working full-time, on part-time arrangements, and/or on variable shifts. The following is a summary of duty time provisions for officers working full-time and on regulation eight hour or Variable Shift Arrangements (VSAs).

In respect of part-time arrangements, an expanded Section G for this booklet is currently being prepared. In the meantime, for further information on part-time provisions, contact your JBB.

CONSTABLES AND SERGEANTS

Normal Period of Duty

The normal daily period of duty (including an interval for refreshment of 45 minutes) is eight hours which, as far as exigencies of duty permit, will be performed in one tour.

Where a normal duty period is performed in more than one tour and the member does not travel to and from home between tours, the refreshment break should normally be included at the beginning or end of one of those tours. The refreshment break is not allowed when a member takes a half-day's annual leave.

Variable Shift Arrangements

Variable shift arrangements (VSAs) must provide for hours of duty equivalent to those of a member with a normal daily period of duty of eight hours and who receives a day's leave on each public holiday and two rest days per week.

A chief officer may announce that s/he intends to bring into operation variable shift arrangements for all, or a group of, constables and sergeants.

Before making the announcement the chief officer must consult the

SECTION E – DUTY TIME

JBB and the members affected, allowing them at least 30 days to make representations and must take into account the likely effects of the new arrangements on their personal circumstances. The chief officer may only bring the arrangements into operation at least 30 days after his/her announcement.

INSPECTORS AND CHIEF INSPECTORS

Duty Time

The regulations do not require rosters to be published for full-time members of the rank of inspector and chief inspector. Inspectors and chief inspectors are not entitled to overtime allowances or public holiday/rest day working allowances.

Where an inspector or chief inspector has been prevented from taking a day's leave on a public holiday, or from taking two rest days in any week, within the next twelve months, subject to exigencies of duty, s/he should be granted a day's leave in lieu of any public holiday or rest day not taken.

ALL FEDERATED RANKS

Travelling Time Treated as Duty

Travelling time between the member's home and his/her usual place of duty is generally not treated as duty time.

Where a member is required to perform the normal daily period of duty, or rostered shift, in more than one tour and travels home between tours, subject to any reasonable limit imposed by the chief officer the time occupied in travelling to and from home is treated as duty time.

When a member is recalled to duty between two tours of duty, or two rostered shifts, travelling time to and from home (as a consequence of the recall) also counts as duty time, subject to any reasonable limit.

SECTION E – DUTY TIME

Where a member is held in reserve² and is required to travel, other than during his/her normal daily period of duty or rostered shift, travelling to and from home is treated as duty time.

WORKING TIME REGULATIONS

The Working Time Regulations 1998 implement the Working Time Directive (a European Health and Safety provision) into domestic law. They are expressly stated to apply to police officers.

The main rights under the Working Time Regulations are:

- a limit of an average of 48 hours a week over a reference period which a worker can be required to work (unless otherwise agreed with the individual)
- a limit on night workers' normal hours of work of an average of 8 hours work in 24 (and no more than 8 hours in any 24 during which night work is performed if subject to special hazards or strain)
- 11 consecutive hours' rest per day or compensatory rest if in exceptional circumstances rest periods are not provided
- a day off each week (24 hours per week or 48 hours per fortnight)
- an in-work rest break of at least 20 minutes if the working day is longer than 6 hours
- 28 days (including public holidays) paid leave per year
- free health assessments for night workers

There are various circumstances in which the rights do not apply. These are quite complicated, but in essence are likely to relate to variations agreed with the JBB or unforeseen emergencies.

² A member is held in reserve if he or she is serving away from his or her normal place of duty and is required to stay in a particular, specified place rather than being allowed to return home. A member is not held in reserve if serving away from his or her normal place of duty only by reason of being on a training course or carrying out routine enquiries.

SECTION E – DUTY TIME

Generally, Police Regulations 2003 provide better rights than the Working Time Regulations 1998. However, there can be occasions where the organisation of working time may breach the Working Time Regulations. Certain aspects of the Working Time Regulations can be varied by local agreement between the JBB and the Chief Officer. For more information about the position in your force, contact your JBB office.

Some breaches can comprise criminal offences. The enforcing agency is the Health and Safety Executive. There are other rights available before an Employment Tribunal. The time limit for any such tribunal claim is generally three months less a day from the relevant breach. Contact your JBB for further information.

SECTION F – OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING

The overtime provisions are found in Regulation 25 and Annex G of Police Regulations 2003.

Overtime for constables and sergeants is potentially payable (or time off in lieu may be taken) when:

- they remain on duty after their tour of duty or rostered shift ends,
- they are recalled between two tours of duty or rostered shifts, or
- they are required to begin earlier than the rostered time without due notice and on a day when they have already completed their normal daily period of duty or rostered shift.

Planned Overtime

Where members are informed at or before the commencement of their tour or shift that they will be required to remain on duty after the tour or shift ends, and they work less than 15 minutes' overtime, they will not be eligible for any allowance.

If they work between 15 and 29 minutes' overtime, they will be paid for the first 15 minutes only.

If they work 30 or more minutes, they will be eligible for overtime for each completed 15 minute period.

Casual Overtime

This term applies where members are not informed at the commencement of their tour of duty or rostered shift that they will be required to remain on duty after the tour or shift ends. On each of the first four occasions in any week when they work casual overtime, not having been informed at the commencement of the tour or shift that this would be required, the first 30 minutes of such overtime worked is disregarded in calculating the overtime allowance due. This disregard applies also to equivalent time off, should they choose time off in lieu of paid overtime.

SECTION F – OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING

Also, if a member is not informed at the commencement of his/her tour of duty or rostered shift that s/he will be required to remain on duty after their tour or shift ends, and the overtime worked is less than 30 minutes, no allowance is payable.

Recall to Duty

Members who are recalled to duty between two tours of duty or rostered shifts are entitled to overtime. Members are also entitled to have their travelling time treated as duty, up to any reasonable limit set by the chief constable.

There is no longer a minimum four hour payment for recall to duty. Members will be paid for the actual hours worked plus appropriate travelling time.

Answering the telephone does not generally constitute a recall to duty. If a member receives a call which requires necessary action or duty to be performed, this may be a recall to duty, and the member may be eligible for appropriate compensation.

Advancing the Start of Duty from the Rostered Time

When the commencement time of a rostered duty or shift is brought forward without due notice so that the duty straddles the start of the force day, and the tour or shift is begun on a day on which the member has already completed a normal rostered tour or shift, the time worked before the rostered commencement time is reckonable as overtime, and is also taken into account as part of that tour of duty or rostered shift.

Example:

Assume the Force Day commences at 06.00. The rostered tour of duty on day two is 06.00 - 14.00. The member had already completed a full tour on day one and is told at 02.00 (on day one) to

<p style="text-align: center;">SECTION F – OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING</p>

attend for duty at 04.00 and work until 14.00 hours on day two. The member will be entitled to an overtime allowance at time and one third for the period 04.00 - 06.00, plain time for the period 06.00 - 12.00, and time and one third for the period 12.00 - 14.00.

Due notice for these purposes is defined in Regulation 25 of Police Regulations 2003 as “notice given at least 8 hours before the revised starting time of the rostered tour of duty in question”.

Members should be given as much notice of the duty change as possible and every effort should be made to ensure that notice is given before the end of the tour or shift prior to the one that is to be changed.

Rate of Payment

The overtime allowance, where payable, is time and one third, or equivalent time off in lieu can be taken. It is the member’s choice whether to take the allowance or time off in lieu.

REST DAY AND PUBLIC HOLIDAY WORKING

The rest day and public holiday provisions are found in Regulation 26 and Annex H of Police Regulations 2003.

Compensation for Duty on a Rostered Rest Day

Where constables and sergeants are required to do duty on a rostered rest day they are entitled to:

- where less than fifteen days’ notice is received - time and one half;
- in any other case - another rest day which should be notified to the member within four days of notification of the requirement to work.

If the period of duty carried out on the rest day is less than four hours, the appropriate allowance will be paid for a minimum of four hours.

SECTION F – OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING

The only exception to this is where the member is retained on duty from a rostered duty or rostered shift into a rest day and the period worked on the rest day is not more than one hour of duty. In these circumstances the minimum four-hour payment does not apply and the rest day time to be reimbursed counts as the number of 15 minute periods actually completed (there is no half hour disregard for casual overtime).

A re-rostered rest day is subject to rest day compensation in the same way as a normal rest day if there is a requirement to work on that day.

When calculating the number of days' notice given, both the day on which the requirement was notified and the day on which the member is required to do duty are not counted.

If a member volunteers to work on a rostered rest day, the day shall be treated as a normal duty day and the member will be granted another day off in lieu, which shall be treated as a rest day.

Compensation for Duty on Rostered Rest Days and Free Days within a Period of Annual Leave

PNB Circular 2014/8 details a Police Negotiating Board (PNB) agreement which provides that where an officer, including a member of the inspecting ranks, is required to work on a rest day or a free day within a period of annual leave, that day shall be compensated as if it were a day of annual leave or a day taken off in lieu of overtime. See Section H of this booklet for details of compensation for working on a day of annual leave or a day taken off in lieu of overtime.

In these circumstances a period of annual leave is defined as a period of absence from duty of five days or more where at least one of those days is a day of annual leave and the other days are rostered rest days, days taken in lieu of overtime, public holidays or

SECTION F – OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING

free days (or days taken in lieu thereof).

Forces should make every effort to avoid recalling members to duty during their rest days, particularly when they fall within a period of annual leave. Changes to published rosters should be kept to a minimum and only made due to exigencies of duty or at the request of members. Any changes to rosters should only be made after full consideration of operational, welfare and practical circumstances.

This agreement is with effect from 1 May 2014. As at September 2014 we await ratification of the PNB agreement by Home Office Circular.

Public Holiday Substitution

Constables and sergeants may, with the approval of their chief officer, substitute a day which is not a public holiday for any day which is a public holiday (as defined in Regulation 3(1) of Police Regulations 2003), with the exception of Christmas Day.

Further information on this provision can be found in Annex E, paragraphs 4a (iii)-(vii) of Police Regulations 2003 and JBB Circular 33/2012.

Compensation for Duty on a Public Holiday

When required to do duty on a public holiday constables and sergeants are entitled to:

- where less than eight days' notice is received – payment of double time plus another day off in lieu, to be treated as a public holiday;
- in any other case - payment at double time.
- If the period of duty carried out on the public holiday is less than four hours, the appropriate allowance will be paid for a minimum of four hours.

SECTION F – OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING

A requirement to work on a public holiday with less than fifteen days' notice must be authorised by an officer of least assistant chief constable rank.

If a member volunteers to work on a public holiday, the day shall be treated as a normal duty day and the member will be granted another day off in lieu, which shall be treated as a public holiday.

Work in Excess of a Tour or Rostered Shift on a Rest Day or Public Holiday

There is no entitlement to overtime on a rest day or a public holiday. All hours worked attract the same level of rest day or public holiday working compensation.

Time off in Lieu – Rest Day or Public Holiday

Members may choose to take time off in lieu of any time worked on a rest day or public holiday. The amount of time off varies in accordance with the allowance payable (e.g. if the allowance is double time, the time off is double).

Reinstatement of Cancelled Rest Days and Public Holidays

PNB Circulars 85/9 and 86/2 record PNB agreements relating to cancelled rest days or public holidays in anticipation of an operational need, for which in the event the constable or sergeant is not required to attend for duty.

Where more than seven days' notice is received that the member will not be required to work on the rest day/public holiday, the rest day/public holiday will be taken, with no compensation.

Where seven days' notice or less is received of the cancelled duty requirement, the member may either choose to take the rest

<p style="text-align: center;">SECTION F – OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING</p>

day/public holiday or work and claim compensation in accordance with Police Regulations 2003. Legal advice suggests there is no entitlement to work a full tour of duty or rostered shift on such days.

Telephone Calls Received Whilst at Home

Answering the telephone does not generally constitute a recall to duty and therefore does not attract the minimum four hours' rest day or public holiday compensation provided in regulations.

If a constable or sergeant receives a call which requires necessary action or duty to be performed, this may be a recall to duty, and the member may be eligible for appropriate compensation.

Travelling Time Treated as Duty

Subject to any reasonable limit imposed by the chief officer, travelling time to and from duty on a rest day or public holiday may also count as duty for constables and sergeants. It will not count from the point at which travelling time and the period of duty exceeds six hours.

SECTION G – OFFICERS SERVING ON PART-TIME ARRANGEMENTS

An expanded version of this section is currently being prepared in respect of part-time officers. This will take into account PNB-agreed changes in respect of part-time working arrangements, as detailed in PNB Circular 2014/9. These changes will require ratification by Home Office Circular and amendments to Police Regulations and Determinations 2003. The changes will cover the following:

- Part-time appointments;
- Probationary service in the rank of constable;
- Duty;
- Duty on a free day;
- Overtime;
- Public holidays and rest days; and
- Annual leave.

In the meantime, for up-to-date information on part-time provisions, contact your JBB.

Members in any rank may be appointed to perform part-time service.

Part-time members may not be appointed to full-time duty without their consent, nor vice-versa, but a part-time member who has previously been full-time may opt to return to full-time service. Regulation 5 of Police Regulations 2003 provides details.

Part-time constables, sergeants, inspectors and chief inspectors are paid at plain time for all determined and additional hours up to 40 hours in a relevant week unless they choose to take time off in lieu of payment. See Police Regulations 2003, Annex F, Part 11 and PNB Circular 2014/6 which details the relevant payments and allowances that forces should include when calculating the pay of part-time officers who work additional hours. Also, all additional hours worked by part-time constables, sergeants, inspectors and chief inspectors over their determined hours up to 40 hours in a week, which are paid, are automatically pensionable. For further

SECTION G – OFFICERS SERVING ON PART-TIME ARRANGEMENTS

details see Home Office Circulars 22/2007 and 19/2012.

For further details of part-time arrangements see:

- the *Part-time Officers* leaflet published by the Police Federation, available from your JBB office or from the Members' Area of the Police Federation website at <https://www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx>; and
- the College of Policing guidance on *Flexible Working in the Police Service*, available at: <http://www.college.police.uk/en/20090.htm>

The Part-time (Prevention of Less Favourable Treatment) Regulations 2000 and the Equality Act 2010 apply to police officers. Complaints under these pieces of legislation fall under the jurisdiction of the Employment Tribunals. If a member wishes to make an application to an Employment Tribunal for a complaint under these provisions, the application must be commenced within three months less one day of the act complained of. More information is included in Section O – Equality and Diversity. Contact your JBB for further information.

SECTION H – ANNUAL LEAVE

The annual leave entitlements (expressed in 8 hour days³) for the federated ranks are found in Regulation 33 and Annex O of Police Regulations 2003:

Years of relevant service	Days of Annual Leave
Less than 2	22
2 or more	25
5 or more	25
10 or more	27
15 or more	28
20 or more	30

Working on a Day of Annual Leave or a Day in Lieu of Overtime

The following scale of compensation applies where an officer is recalled to duty from a period of absence from duty of three or more days (of which at least one day is annual leave). It also applies to the cancellation of pre-booked, scheduled annual leave where the same criteria are met i.e. absence from duty of three or more days of which at least one day is annual leave:

No. of Annual Leave Days Worked	Compensation in additional days (or annual leave plus pay)
1	2 days (or 1 day's annual leave plus 1 day's pay at double time)
2	4 days (or 2 days' annual leave plus 2 days' pay at double time)
Thereafter	1.5 days (or 1 day's annual leave plus 0.5 day's pay at double time) for each further annual leave day worked

³ As mentioned in Section G of this booklet, PNB Circular 2014/9 notes that annual leave for full and part-time members should be calculated and available in hours.

SECTION H – ANNUAL LEAVE

Annex O details that if the period of absence includes free days, rostered rest days, days in lieu of overtime or public holidays, compensation for working on those days (or time off in lieu) would be as per the relevant regulation i.e. Regulation 26, Annex H for public holidays.

However, PNB Circular 2014/8 details a PNB agreement which provides that where an officer is required to work on a rest day or a free day within a period of annual leave that day shall be compensated as if it were a day of annual leave or a day taken off in lieu of overtime. In these circumstances annual leave is defined as a period of absence from duty of five days or more where at least one of those days is a day of annual leave and the other days are rostered rest days, days taken in lieu of overtime, public holidays or free days (or days taken in lieu thereof). See Section F of this booklet for further information.

Carry-over of Annual Leave

At the discretion of the chief officer and subject to exigencies of duty members can carry over to the next leave year no more than five additional days of annual leave outstanding from the current year (in exceptional circumstances the chief officer can allow a member to carry over more); or bring forward to the last month of a leave year no more than five days' leave from the following leave year.

However, the Police Negotiating Board (PNB) is keen to ensure that the carry over provision is further applied to enable officers to carry over their four weeks' (pro-rata for part-time officers) Working Time Directive leave entitlement into the next year where a member has been unable to take that leave:

- i) where the member has been absent on long-term sick leave but resumed duty late in the leave year and so had not had the opportunity to take all of their annual leave before the end of the leave year; and

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- ii) because of long-term absence on sick leave which continues into a new leave year.

If a member returns to duty from sick leave within the same leave year, they will be entitled to receive the leave entitlement from that year, minus any leave they have already taken. Where a member returns to duty late in the leave year and so does not have the opportunity to take all their annual leave before the end of the leave year, or where a member returns to duty in a new leave year, he or she will be entitled to carry over four weeks' annual leave (less any annual leave and bank holidays already taken) into the new leave year. However, any annual leave carried over must be taken within 15 months of the end of the leave year in which it accrued.

Further details can be found in PNB Circular 2014/23. This circular also covers the carry-over of annual leave when an officer has been on maternity leave. Section J of this booklet contains more information.

Is a Member who is on Annual Leave who becomes sick entitled to go on Sick Leave (and Reclaim the Annual Leave)?

Police Regulations 2003 do not explicitly deal with the interaction of annual leave and sick leave. We consider that a day cannot simultaneously be regarded as both a day of sick leave and a day of annual leave.

As the Regulations are silent as to the manner of notification and rearrangement of annual leave we consider that a member who has booked a holiday but who is then injured or becomes ill and unable to take the holiday should be able to cancel the annual leave and take it at a later date.

With regard to the position of a member who becomes ill on holiday, we recommend notification of the position to the force as soon as

SECTION H – ANNUAL LEAVE

possible so as to maximise the prospect of being able to reclaim annual leave.

PNB Circular 2014/23 states that where an officer is sick during a pre-booked period of leave they should be allowed to take that period of leave at another time, subject to providing evidence they were sick e.g. a medical certificate.

Compensation for Annual Leave not taken on Leaving the Service

If, on termination of service, the proportion of annual leave taken by a member in the last year of service is less than the proportion of the leave year which has passed, s/he is entitled to payment in lieu of the untaken days.

Conversely if, on termination of service, the proportion of annual leave taken by the member exceeds that proportion of the leave year which has expired, the police authority are entitled to compensation, whether by payment, additional service, or otherwise.

For further details of the calculations involved please see PNB Circular 01/2, Home Office Circular 21/2002 and Regulation 33, Annex O of Police Regulations 2003.

SECTION I – SICK LEAVE

Details of the self certification procedures applicable within forces are available from Human Resources and your JBB Office.

Regulation 28 and Annex K of Police Regulations 2003 provide that a member of a police force who is absent on sick leave shall be entitled to full pay for six months in any one year period. Thereafter, the member becomes entitled to half pay for six months in any one year period.

Entitlement to pay and the level of pay is calculated by deducting from your entitlement on the first day of a sick leave period the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

The chief officer has the discretion to resume or maintain the period of entitlement to, as appropriate, full-pay or half-pay. PNB Circular 05/1 provides agreed guidance to chief officers on the exercise of this discretion.

For further details please contact your JBB.

Court Appearances – Whilst Sick

If a member is certified unfit for duty by a doctor, and due to give evidence in Court, unless the reason for the certification prevents him/her from giving evidence, the member is obliged to attend Court and give evidence. Where the member does so as part of his/her duty as a police officer, this will be duty in the normal way.

Injury sustained on duty

As at September 2014, the Home Office is drafting regulations for a new injury benefits scheme, which could lead to changes in entitlements which may be significant in some cases and may affect the position summarised below. For the up to the date position contact your JBB office or visit www.polfed.org

Any injury suffered whilst on duty (e.g. assault, a road traffic

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accident, falling over loose equipment, disease, stress etc.) should be reported by the member in writing to his/her supervising officer and/or in whatever form the force requires. This may assist in getting an injury award, should further aggravation or deterioration result, even at a much later date.

Sick pay may be abated by statutory benefits if the member is on full sick pay.

An injury received at any sport or game will not be regarded as an injury on duty unless the sporting activity is part of a training programme or otherwise carried out in duty time under a specific order (e.g. PSU training).

In respect of any injury suffered by a member (whether or not incurred on duty) s/he should notify the JBB Secretary with a view to obtaining advice as to the possibility of a civil claim and/or a claim under the Criminal Injuries Compensation Scheme.

SECTION J – FAMILY LEAVE

Details of the provisions can be found in Police Regulations 2003 as follows:

Leave for ante natal care – Regulation 33, Annex Q

Police maternity scheme – Regulation 29, Annex L and Regulation 33, Annex R

Police adoption scheme – Regulation 33, Annex R

Keeping in touch days – Regulation 33, Annex R

Ordinary maternity support leave, ordinary adoption support leave, additional maternity support leave, additional adoption support leave and parental leave – Regulation 33, Annex S

Time off for dependants – Regulation 33, Annex T

Guidance is also contained in the Police Federation's *Guide to Family Leave and Flexible Working handbook* and the *Maternity Guide for Women Police Officers* which are available from your JBB office or on the members' area of the Police Federation website at: <https://www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx>

Further guidance on managing maternity and related issues is contained in PNB Circular 10/05.

Leave for Ante-natal Care

All female members have the right to paid time off to attend appointments for ante-natal care, subject to production of relevant documentation if requested.

Maternity Leave

The maximum period of maternity leave is 15 months, which can be taken in one or more periods. The period during which maternity leave can be taken commences six months before the expected week of childbirth and ends no later than 12 months afterwards. The ability to take maternity leave in more than one period allows the member to return to work for e.g. a court appearance or training course, and then resume maternity leave. It can also be used to take annual leave during a break in maternity leave; otherwise any

SECTION J – FAMILY LEAVE

accrued but unused annual leave should be carried over to the next leave year. (However, any impact on pay should be considered).

PNB Circular 2014/23 says that a woman who takes maternity leave has two rights to leave: one to maternity leave and another to annual leave as provided by Police Regulations and determinations and/or the Working Time Regulations for the annual leave year in question. She must be able to take both types of leave. Usually this should not be an issue as the annual leave can be accommodated within the leave year(s) in question.

However, if a woman is unable to take all of her annual leave in the leave year due to being on maternity leave, then she should be allowed to carry it over into the appropriate leave year when she returns to work. Where a woman is able to take her annual leave before she starts her leave year (for instance because her maternity leave starts close to the beginning of the annual leave year, or because the baby has been born prematurely) exceptions should be made to carry over policies to allow women to carry the remaining period of leave into the appropriate leave year e.g. a woman will be able to carry over leave that she was unable to take into the leave year in which she returns to work. However, if there is insufficient time within that leave year to take the leave, she should be able to carry over the remainder into the next leave year.

The scheme allows members to choose when they will commence any period of maternity leave provided that it commences no later than the expected date of childbirth.

A period of up to 52 weeks shall be reckonable for pay increments and leave purposes for all officers on maternity leave.

Paid Maternity Leave

Eighteen weeks' paid maternity leave is available to a female member who:

(a) at the beginning of the 11th week before the expected date of

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birth, has served continuously for a period of not less than one year, and

- (b) at 15 weeks before the expected week of childbirth remains pregnant or has given birth prematurely and at that date the baby remains alive.

Members entitled to paid maternity leave will be paid for the first 18 weeks of their leave. Part-time members will be paid for the first 18 weeks at the rate calculated by reference to their appropriate factor.

Members may, with the agreement of their chief officer, elect to extend their final five weeks' pay to 10 weeks at half rate.

Statutory Maternity Pay

Members who have at least 26 weeks' service by the end of the 15th week before the expected date of birth are entitled to Statutory Maternity Pay (SMP) for 39 weeks. Please refer to the Federation's *Maternity Guide for Women Police Officers* for details.

The police maternity pay to which a member is entitled will be reduced, in respect of any week in which she receives SMP, by an amount equal to the SMP that she receives for that week. Where a member elects to extend her final five weeks of police maternity pay to 10 weeks at half pay, the pay to which the member is entitled will be reduced by half of the amount of SMP that she receives for that week.

Adoption Leave

The maximum period of adoption leave is 52 weeks. All paid adoption leave is reckonable for incremental pay and leave purposes. A member must commence adoption leave within a period of 14 days ending with the date on which the child is expected to be placed with the member.

Paid Adoption Leave

A member who is a child's adoptive parent is entitled to one week's

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adoption leave on full pay, at or around the time of the adoption, irrespective of their length of service.

Members who have served continuously for at least one year at the end of the week in which s/he is matched with a child for adoption are entitled to full pay for the first 18 weeks' adoption leave followed by up to 21 weeks at Statutory Adoption Pay (SAP) then up to 13 weeks of unpaid adoption leave. Part-time members will be paid for the first 18 weeks at the rate calculated by reference to their appropriate factor.

Members may, with the agreement of their chief officer, elect to extend their final five weeks' pay to 10 weeks at half rate.

Statutory Adoption Leave and Pay

Members who have completed 26 weeks' service by the end of the week in which they are notified of being matched with a child for adoption will be entitled to take up to 52 weeks' Statutory Adoption Leave – the first 39 weeks with Statutory Adoption Pay (SAP), followed by 13 weeks of unpaid Additional Adoption Leave, around the time of placement of the child. The one week adoption leave referred to above will be included within this entitlement, at the full rate of pay.

The police adoption pay to which a member is entitled will be reduced, in respect of any week in which s/he receives SAP, by an amount equal to the SAP that s/he receives for that week. Where a member elects to extend his/her final five weeks of police adoption pay to 10 weeks at half pay, the pay to which the member is entitled will be reduced by half of the amount of SAP that s/he receives for that week.

Keeping in Touch Days

A member on maternity leave or adoption leave can return to work on a voluntary basis, subject to the agreement of his/her chief officer, for up to ten days without bringing their maternity or adoption

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leave to an end. These are known as Keeping in Touch (KIT) days.

A member will be paid at an hourly rate for duty carried out on a KIT day plus overtime if appropriate. If the member is entitled to SMP or SAP for any week in which a KIT day falls, neither the member's SMP or SAP nor the pay for the KIT day will be reduced on account of the other.

It is important to note the impact of a KIT day on the buy-back of unpaid leave for pension purposes. Please see the paragraph on 'Family Leave and Pensions' at the end of this section.

Ordinary Maternity Support Leave and Ordinary Adoption Support Leave

These provisions are found in Regulation 33 and Annex S of Police Regulations 2003.

A member who is the child's father or the partner or nominated carer of an expectant mother, or an adopter's spouse or partner is entitled to two weeks' ordinary maternity support leave, at or around the time of birth or two weeks' ordinary adoption leave at or around the time of adoption. The first week of ordinary maternity support leave or ordinary adoption support leave will be on full pay. This will be offset by an amount equal to the statutory paternity pay rate for that week. Part-time members will be paid at a rate calculated by reference to their appropriate factor.

Members who have 26 weeks' continuous service at the 15th week before the expected week of confinement, or the week in which the adopter is matched with a child for adoption, will be entitled to be paid for the second week at statutory paternity pay rate.

Additional Maternity Support Leave and Additional Adoption Support Leave

Members who have served continuously for a period of not less than 26 weeks and are the father or partner of a woman who has a baby

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or the second person in a couple who have adopted a child and have or expect to have responsibility for the child's upbringing, may take between two and 26 weeks' Additional Maternity Support Leave or Additional Adoption Support Leave to care for the child. Members must give their chief officer at least eight weeks' notice of their intention to take such leave.

Additional maternity or adoption support leave may be taken at any time within a period which begins 20 weeks after the date on which the child is born or placed for adoption and must end 52 weeks after the child is born or placed for adoption.

Members who take additional maternity support leave or additional adoption support leave may qualify for Additional Statutory Paternity Pay (ASSP). A member will only receive ASSP if their partner would have been receiving SMP or SAP had they not returned to work.

Parental leave

Members who have served continuously for a period of not less than a year; and have, or expect to have, legal parental responsibility for a child are entitled to 18 weeks' unpaid parental leave in respect of each individual child for the purpose of caring for that child. Different conditions apply according to the age of the child, or whether the child is born to the member or placed with him/her for adoption.

The period during which the leave may be taken is specified in Regulation 33, Annex S of Police Regulations 2003. Generally the leave must be taken before the child's fifth birthday or the fifth anniversary of the placement or, for a child entitled to a disability living allowance, before the child's 18th birthday. The arrangements for taking parental leave need to be agreed with the chief officer. For further details contact your JBB.

Time off for Dependents

These provisions are found in Regulation 33 and Annex T of Police Regulations 2003.

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A member is entitled to take reasonable paid time off during normal duty periods in order to take action which is necessary:

- a) When a dependant falls ill, gives birth or is injured or assaulted
- b) To arrange for care for an ill or injured dependant
- c) Where a dependent dies
- d) Where care arrangements for a dependent are disrupted
- e) To deal with an unexpected incident involving an officer's child at school or nursery.

Each circumstance is distinct and separate from each other therefore, it should be made clear which circumstance the request is made within rather than a generalised request for time off.

Dependant means a spouse, child, parent, someone who lives in the same house as the member (but not a lodger etc.) or, in relation to (a) (b) and (d) any person who reasonably relies on the member for their care or provision or their care i.e. an elderly neighbour.

The member must tell the chief officer the reason for the absence as soon as reasonably practicable, and, if possible, state how long s/he expects to be absent.

Family Leave and Pensions

Paid family leave is automatically pensionable, meaning that members pay pension contributions on the salary they receive and in return it counts as pensionable service.

Unpaid leave, other than the first 26 weeks of maternity leave, can only count as pensionable service if pension payments are made in respect of it. It is currently only possible to do this for periods of unpaid maternity and parental leaves and time limits apply. Members should contact their pensions administrator for further information.

Assuming a member had not opted out of the pension scheme, any

SECTION J – FAMILY LEAVE

period of unpaid maternity leave after the first 26 weeks can be bought back. The rate of buy-back is calculated at the appropriate pension contribution rate (e.g. 14.25% for Police Pension Scheme 1987 members and 11% or 12.05% for New Police Pension Scheme 2006 members) of the last pay the woman received immediately before she went onto unpaid leave. In most cases this will be SMP at the lower rate.

However, it is important to note that a Keeping in Touch (KIT) day taken during the unpaid period will mean that the remaining period of unpaid leave will have to be bought back at the appropriate pension contribution rate of full pay.

As at September 2014 the Official Side has expressed support for Staff Side's claim to enable the buy-back of all unpaid family leave for pension purposes. Contact your JBB for the latest position.

SECTION K – ALLOWANCES

For full details and current rates see Regulation 34 and Annex U, of Police Regulations 2003 or contact your JBB.

Motor Vehicle Allowances

Motor vehicle allowances for members using their own vehicles for duty are payable at “Essential User” or “Casual User” rates according to the member’s designation.

Dog Handlers’ Allowances

A dog handler’s allowance - designed to compensate for caring for a dog on rest days and public holidays - is payable where a police dog is kept and cared for at the member’s home. A further 25 per cent of the allowance is paid for each additional police dog kept at home.

The allowance payable from 1 September 2014 is £2,175 per annum.

London Allowance

London Allowance is payable to members of the City of London or Metropolitan Police Service (MPS) at a rate determined by the Commissioner of the relevant force with regard to location and retention needs, following consultation with the joint branch board or Joint Executive Committee, and not exceeding the maximum rates set out below.

The maximum higher rate (£4,338 pa since December 2004) is payable to officers appointed on or after 1 September 1994 and not receiving housing/transitional rent allowances; the maximum standard rate (£1,011 pa since December 2004) is payable to officers appointed before 1 September 1994 who will qualify for housing/transitional rent allowances. London allowance is paid at an hourly rate to qualifying part-time members.

London Transitional Supplement

This allowance is paid to a member of the City of London or MPS

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who joined before 1 September 1994 and who receives a half-rate housing allowance or a flat-rate transitional rent allowance. The allowance is paid at a rate determined by the Commissioner of the relevant force with regard to location and retention needs, following consultation with the Joint Branch Board or Joint Executive Committee, and not exceeding £1,000 pa. The allowance is paid at an hourly rate to a qualifying part-time member.

South East England Allowance

This allowance is paid to members of Essex, Hertfordshire, Kent, Surrey and Thames Valley forces appointed on or after 1 September 1994 and not receiving housing/transitional rent allowance. The allowance is paid at a rate determined by the Chief Constable of the relevant force with regard to location and retention needs, following consultation with the joint branch board, and not exceeding in these forces £2,000 pa.

The same Chief Constable discretion applies to members of Bedfordshire, Hampshire and Sussex forces. The maximum rate in these forces is £1,000 pa. These allowances are paid at an hourly rate to qualifying part-time members.

South East England Transitional Supplement

This is a supplementary allowance paid to members of Hertfordshire, Kent and Surrey forces who joined the police service before 1 September 1994 and whose half-rate housing allowance or flat rate transitional rent allowance is less than the rate of the South East England Allowance that the member would receive if not in receipt of a replacement allowance. The allowance is paid at the rate of the difference between that South East England Allowance and the member's half-rate housing/flat rate transitional rent allowance. The allowance is paid at an hourly rate to qualifying part-time members.

Bonus Payments

Bonus payments, of between £50 and £500, are payable where the

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chief officer judges a piece of work by a member to be of an outstandingly demanding, unpleasant or important nature.

Team recognition award

Chief officers may recognise whole teams with a team recognition award payment of £50 to £100 each for outstandingly demanding, unpleasant or important work, or outstanding work for the public. Since team recognition awards apply to both police officers and police staff provision is not made for it in determinations. The power to pay rewards for diligence under section 31 of the Police Act 1996 should be used to make these awards to police officers.

Unsocial Hours Allowance

This allowance is paid to a member of the federated ranks for every full hour worked by the member between 8pm and 6am. The allowance is paid at an hourly rate of 10% of the member's hourly rate of pay.

Away From Home Overnight Allowance

A member of the federated ranks is paid an allowance of £50 in respect of every night on which s/he is held in reserve. A member is held in reserve if s/he is serving away from his/her normal place of duty and is required to stay in a particular, specified place rather than being allowed to return home. A member is not held in reserve if s/he is serving away from his/her normal place of duty because s/he is on a training course or carrying out routine enquiries.

Where a member is held in reserve and is required to travel, other than during his/her normal daily period of duty or rostered shift, travelling to and from home is treated as duty time.

Hardship Allowance

A member of a police force is paid an allowance of £30 for every night when he or she is held in reserve, within the meaning of the Away from Home Overnight Allowance (see above), and is not

SECTION K – ALLOWANCES

provided with proper accommodation. Proper accommodation is defined as a room for the sole occupation of the member, with an en suite bathroom.

On Call Allowance

A member of the federated ranks receives an allowance of £15 in respect of each day on which s/he spends any time on-call. A 'day' means a period of 24 hours starting at a time determined by the chief officer after consultation with the JBB. A chief officer may fix different times in relation to different groups of members.

On call is a voluntary activity.

Replacement Allowance

This is the term given to the various housing emoluments which currently exist.

A recommendation of the Winsor Review was that the amount of a member's replacement allowance should not increase with changes to personal circumstances, such as promotion. The Home Office has confirmed that with effect from November 2012 this amendment only applies where the change in personal circumstance would cause the allowance to increase i.e. on promotion. If however, as a result of a change in personal circumstances, the allowance should be restored having been suspended partially or fully then the amendment would not apply. Such circumstances include: returning to full-time service; returning from family leave; returning from a career break; or where two officers have been co-habiting and receiving a partially suspended replacement allowance - when one partner retires or if the co-habitation ends, the replacement allowance would be restored to the full amount due.

SECTION L – EXPENSES

See Regulation 35 and Annex V of Police Regulations 2003 for full details. For further information contact your JBB.

Reimbursement of Medical Charges

Reimbursement is available for NHS medical or dental charges incurred because of an injury received in the execution of duty without default on the part of the member.

Removal Expenses

If a member is required to move house in the interests of efficiency, or if the move is due to the exigencies of duty, the police authority shall either reimburse the reasonable cost of removal or carry out the removal; reimburse expenses incurred in connection with the sale of the member's former home; and reimburse expenses (such as estate agent's fees, auctioneer's and solicitor's fees, stamp duty and expenses in connection with the redemption, transfer or taking out of a mortgage) incurred in connection with acquisition of the new home and incidental to the move.

To qualify for reimbursement, an item of expenditure must be necessary, reasonable and backed by a receipt.

These provisions do not generally apply to members initially joining a force. Special provisions apply to university scholars whose removal is the result of having finished their studies.

For further information contact your JBB, preferably in advance of a move.

Food and Accommodation Expenses

Members who are prevented in the course of a tour of duty or shift from obtaining a meal in their usual way will be reimbursed the difference between the meal obtained and the meal they would usually take in the course of that tour.

SECTION L – EXPENSES

Members retained on duty beyond their normal daily period of duty or shift will be reimbursed the cost of any meal necessarily obtained.

Members will be reimbursed accommodation expenses necessarily incurred in connection with duty away from their usual place of duty or because of being retained on duty beyond their normal daily period of duty or shift.

In all cases receipts will need to be presented, and the expenditure must be reasonable.

Relevant Travelling Expenses

Members may be reimbursed relevant travelling expenses if required to perform the normal daily period of duty in more than one tour of duty, or if recalled to duty between two tours of duty. Expenses shall be reimbursed to the extent that they do not exceed such reasonable limit as the chief officer may fix. For more details contact your JBB.

SECTION M – PROBATION

Probationary Service in the Rank of Constable

The probation period for a newly joining constable is the first two years unless the member transfers, having completed probation in another force. The chief officer has power to lengthen this period. The probation period for a part-time member is adjusted in relation to their determined hours and any period carried out on a full-time basis. However, this is due to change as a result of PNB Circular 2014/9 (see Section G for more details). If a constable with previous service does not join on a transfer, the chief officer can reduce the probationary period or, so long as the member had completed the probationary period during that previous service, dispense with probation.

Time spent during probation on leave for ante natal care, maternity support leave, adoption support leave, parental leave and time off for dependants is counted as probationary service.

The first 52 weeks of time spent during probation on maternity leave is counted as probationary service (irrespective of service). Any other period is not counted.

The first week of adoption leave is counted as probationary service for all adopting members irrespective of service. In addition, where the member has at least 26 weeks' service by the notification of matching for adoption, any period of adoption leave which falls in the 26 week period immediately after placement for adoption is counted as probationary service. Any other period is not counted.

See Regulation 12 and Annex C of Police Regulations 2003.

Discharge and Misconduct of a Probationer

Under Regulation 13 of Police Regulations 2003, a probationer's services may be dispensed with at any time (at a month's notice or with payment in lieu) if the chief officer considers that s/he is not fit, physically or mentally, to perform the duties of the Office of Constable or is not likely to become an efficient or well conducted Constable. The chief officer cannot delegate this decision.

SECTION M – PROBATION

Where misconduct is alleged in relation to a probationer, if the probationer does not admit to the misconduct in question then the misconduct procedures should generally be used. If the Regulation 13 procedure is used, the probationer should still be provided with any reports relied on in reaching a decision and given an opportunity to comment and present mitigation, as per the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 12/2014 refers).

In any case where misconduct is alleged against a probationer or there is a suggestion that Regulation 13 may be invoked, the JBB should be contacted.

SECTION N – HEALTH AND SAFETY

The Health and Safety at Work etc. Act 1974 applies to police officers.

If a member has a concern about a health and safety matter (regarding the working environment or any operational matter), s/he should raise it with his/her Police Federation Safety Representative.

For further information and contact details refer to your JBB.

SECTION O – EQUALITY AND DIVERSITY

Police officers are protected under the provisions of the Equality Act 2010 in respect of unlawful discrimination at work because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

It is beyond the scope of this booklet to outline the implications of this legislation. Various leaflets published by the Police Federation are available from your JBB office or online in the Member's Area of the website:

<https://www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx>

A member who considers that s/he may have been discriminated against on any of these grounds should contact their JBB office as a matter of urgency. Your Equality Liaison Officer (ELO) will also be able to support and advise you.

Discrimination claims to an Employment Tribunal (ET) must be made on Form ET1, which can be completed online at:

<https://www.gov.uk/government/publications/employment-tribunal-claim-form>

The normal time limit for commencing action is three months less one day from the date of the last act or omission to act on which the claim is based.

ACAS Early Conciliation

Before the majority of proceedings can be commenced, it is necessary to contact ACAS and complete the early conciliation (EC) procedure. This procedure is free. The EC form can be completed online at <https://ec.acas.org.uk> and must be done at any time within the normal time limit.

Once the form has been sent, time will stop running to enable ACAS to contact the parties and attempt settlement. Up to one month will be available (with an additional 2 weeks at the discretion of ACAS where settlement appears likely).

SECTION O – EQUALITY AND DIVERSITY

Where settlement is not achieved, ACAS will then send an EC certificate to the applicant which includes a reference number. The applicant should include this number on the ET1. Time will start running again from the point the EC Certificate is deemed received by the applicant and s/he will have at least one month from that date in which to lodge their ET1.

Tribunal Fees

Applicants are required to pay a fee to issue their claim and a separate fee for the final hearing. More information on ET fees can be found in JBB Circular 16/2013.

Contact your JBB Office for guidance and advice.

SECTION P – CAREER BREAK SCHEME

PNB agreed a career break scheme in 2000 – PNB Circular 2000/16 (Advisory) and Home Office Circular 4/2001 refer. The provisions can now be found in Regulation 33 and Annex OO of Police Regulations 2003.

A career break of up to five years is available, subject to increases in exceptional circumstances. The scheme is available to any member who has completed the probationary period, subject to the agreement of a human resources' professional, with the right of appeal to the Chief Constable. Members on career breaks under this scheme remain a member of the force, so there is no break in service. They will not be paid during career breaks and the time out will not count for entitlement to pay increments and paid annual leave. The officer's rank and pay point, and eligibility for replacement allowance will be protected.

A member living in accommodation provided by the force should discuss his/her future in the property with the chief constable before applying for a career break.

As officers remain members of the force whilst on a career break, they also remain members of the Police Pension Scheme (PPS) 1987 or the New Police Pension Scheme (NPPS) 2006 - unless they have opted out e.g. an officer who is in the PPS 1987 prior to a career break will remain so whilst on the career break and upon their return to service. **NB this would not be the case if the member were to resign and rejoin.**

Officers in the PPS 1987 and NPPS 2006 remain subject to the pension schemes' death benefits and enhanced ill-health pension provisions whilst on a career break. All officers continue to be covered by the injury benefit provisions where applicable.

The time spent on a career break does not count as pensionable service and cannot be bought-pack for pension purposes - see Home Office Circular 33/2003.

<p style="text-align: center;">SECTION Q – PAY, COMPETENCE RELATED THRESHOLD PAYMENTS, LONDON WEIGHTING</p>
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Provisions relating to pay can be found in Regulation 24 and Annex F of Police Regulations 2003.

Pay is usually uprated annually from 1 September. The current pay uplift for 2014/2015 is 1%.

A new pay scale for new entrants was introduced on 1 April 2013. Details can be found in HOC 7/2013 and in Annex F of Police Regulations 2003. This means that there are currently two pay scales for constables.

Between April 2014 and April 2016 three pay points will be removed from the constables' older pay scale as follows:

- 1 April 2014 – removal of pay point 6
- 1 April 2015 – removal of pay point 7
- 1 April 2016 – removal of pay point 9

Also, on 1 April 2014 pay point 0 was removed from the sergeants' pay scale.

PNB Circular 2013/14 (Revised), PNB Circular 2014/02, JBB Circular 08/2014 and Home Office Circular 6/2014 all contain further details about the changes to the (older) constables' and sergeants' pay scales.

COMPETENCE RELATED THRESHOLD PAYMENTS (CRTP) FOR CONSTABLES, SERGEANTS, INSPECTORS AND CHIEF INSPECTORS

Threshold payments are available to members who have spent at least one year at the top of the pay scale for the rank, subject to the determining officer's decision that they have demonstrated high professional competence under each of the following national standards:

- Professional competence and results;

<p style="text-align: center;">SECTION Q – PAY, COMPETENCE RELATED THRESHOLD PAYMENTS, LONDON WEIGHTING</p>
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- Commitment to the job;
- Relations with the public and colleagues;
- Willingness to learn and adjust to new circumstances.

However, no new applications for a CRTP will be considered unless they are a re-application by an officer who was in receipt of the payment prior to 31 March 2013 and all current payments are to be phased out from 1 April 2013 as follows:

From 1 April 2013 the annual rate of CRTP reduced from £1,212 to £900

From 1 April 2014 the annual rate of CRTP reduced to £600; and

From 1 April 2015 the annual rate of CRTP is to be £300.

From 1 April 2016 no CRTPs will be paid.

CRTPs are a pensionable addition to pay. Full details of the scheme can be found in Annex F of Police Regulations 2003.

LONDON WEIGHTING

London Weighting is payable to members of the City of London and Metropolitan Police Service only. It is a pensionable addition to pay, usually increased annually from 1 July. The current rate, with effect from 1 July 2014, is £2,325. London Weighting is calculated on a pro-rata basis for part-time members.

SECTION R – ACTING UP ALLOWANCE, TEMPORARY SALARY AND TEMPORARY PROMOTION

These provisions can be found in Regulation 34 (Annex UU) and Regulation 27 (Annexes I and J) of Police Regulations 2003.

Acting up Allowance – Annex UU

Acting up arrangements are designed to meet short term needs. The acting up allowance is paid when a member acts up in a higher rank instead of being placed on temporary promotion. There is a 10 day qualifying period (in any year; a year being a 12 month period beginning on 1 April) then, from day 11, the member receives the allowance at a daily rate (or hourly rate for part-time officers and those on VSAs). The allowance is only payable for a maximum of 46 days in respect of any one continuous period of acting up.

A constable or sergeant who is acting up in the rank of inspector or above is not entitled to overtime payments. If such a member is required to do duty on a rostered rest day or a public holiday he/she will not receive an acting up allowance on these days, but will instead be entitled to the appropriate public holiday or rest day rates for his/her substantive rank.

As with other allowances, the acting up allowance is not pensionable. If a member who is receiving an acting up allowance is also in receipt of a Competence Related Threshold Payment (CRTP), s/he will continue to receive his/her CRTP.

Temporary Salary – Annex I

After 46 days of receiving the acting up allowance, if a member is not qualified for promotion (under the Police Promotion Regulations 1996) or if the chief officer is required to respond to an overwhelming operational emergency which requires immediate application, s/he will receive temporary salary.

A constable or sergeant in receipt of temporary salary whilst performing the duties of inspector or above is not entitled to

SECTION R – ACTING UP ALLOWANCE, TEMPORARY SALARY AND TEMPORARY PROMOTION

overtime payments. If such a member is required to do duty on a rostered rest day or a public holiday he/she will not receive temporary salary on these days, but will instead be entitled to the appropriate public holiday or rest day rates for his/her substantive rank.

Temporary salary is pensionable. If a member who is receiving temporary salary is in receipt of CRTP, s/he will continue to receive his/her CRTP.

A period of temporary salary is not reckonable for pay increments in the higher rank but is reckonable as service in the substantive rank.

Temporary Promotion – Annex J

After 46 days of receiving the acting up allowance, if a member is qualified for promotion (under the Police Promotion Regulations 1996) and the chief officer is not required to respond to an overwhelming operational emergency which requires immediate application the member will be temporarily promoted.

However, temporary promotion should be used from the outset when a need has been identified which is likely to be for a lengthy period e.g. maternity leave, ill health cover or a new project.

A member who has been temporarily promoted to a higher rank will be paid on the point s/he would have been entitled to if permanently promoted. Additional pay on temporary promotion is pensionable.

Service in the higher rank on temporary promotion is reckonable for salary increases in both the substantive and the higher rank. Service in the higher rank counts if the member is temporarily promoted again at a later date. In 2012 PNB reached agreement on a five year limitation for service on temporary promotion counting in the higher rank. This was ratified by Home Office Circular 18/2013.

**SECTION R – ACTING UP ALLOWANCE, TEMPORARY
SALARY AND TEMPORARY PROMOTION**

Competence Related Threshold Payments (CRTP) are not payable on temporary promotion (from the date the temporary promotion takes effect), but are reinstated when the temporary promotion ends.

SECTION S – USEFUL WEBSITE ADDRESSES

www.polfed.org

Website of the Police Federation of England and Wales (PFEW)

www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx

Members' area of the PFEW website

www.gov.uk/government/organisations/office-of-manpower-economics

Website of the Office of Manpower Economics (OME). Contains information relating to the Police Negotiating Board and Police Advisory Board, such as PNB Circulars, pay agreements etc.

<https://www.gov.uk/government/organisations/home-office>

Website of the Home Office

<http://webarchive.nationalarchives.gov.uk/20130315044536/http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/>

Home Office Circulars issued up until HOC 5/2013 can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

<https://www.gov.uk/government/collections/home-office-circulars-2013>

Home Office Circulars issued in 2013 can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

<https://www.gov.uk/government/collections/home-office-circulars-2014>

Home Office Circulars issued in 2014 can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

SECTION 5 – USEFUL WEBSITE ADDRESSES

www.legislation.gov.uk

This contains primary legislation and statutory instruments, e.g. Police Act 1996 and Police Regulations 2003

<http://www.justice.gov.uk/tribunals/employment>

Website of the Employment Tribunals

www.equalityhumanrights.com

Website of the Equality and Human Rights Commission

www.hse.gov.uk

Website of the Health and Safety Executive

Police Federation of England and Wales
September 2014

NOTES

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Federation House

Set close to the heart of the English countryside in Surrey, Federation House offers the very best in accommodation available to you, our members, at very competitive rates. All rooms are en-suite and equipped with TV, wireless internet connection and mini bar. A fully equipped gymnasium and swimming pool are at our guests' disposal. The 24 hour reception offers a complete concierge service and our staff are on hand to ensure that your time with us is both enjoyable and memorable.

The Atrium restaurant offers international cuisine of the highest quality and Langley's, our superb café / bar is stocked with the finest beers, wines and spirits.

Federation House is conveniently situated just off junction 9 of the M25 motorway. See website for map.

www.federationhouse.co.uk

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